

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00243-MR**

ASHLEE INSCOE,¹)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
NORTH CAROLINA DEPARTMENT)	
OF PUBLIC SAFETY, et al.,)	
)	
Defendants.)	

THIS MATTER is before the Court on the North Carolina Department of Adult Corrections' (NCDAC) sealed Notice [Doc. 12] regarding the Court's Request for Waivers of Service [see Doc. 7].

The Complaint passed initial review against Defendants Eddie M. Buffaloe, Jr.,² Shawn Buchanan, Russell Carver, Derrick Fox,³ Christian

¹ According to the North Carolina Department of Adult Corrections' website, the Plaintiff's name is William M. Incoe. See <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0568587&searchOffenderId=0568587&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1> (last accessed March 20, 2023); Fed. R. Evid. 201.

² "Eddie Buffaloe" in the Complaint.

³ "Derick Fox" in the Complaint.

Goforth,⁴ Matthan Hicks,⁵ Ronnie L. Huneycutt,⁶ Charlotte Jordan Williams,⁷ Chris Miller, Edna Silver, James Waldroop, and James Brian Watson,⁸ and the Court initiated the procedure for waiver of service.⁹ [Doc. 19]. Service waivers have been filed for all of the Defendants except Defendants Miller and Carver. [Doc. 11]. NCDAC is unable to waive service for Defendants Miller and Carver, who are no longer employed by NCDAC; it has provided these Defendants' last known addresses under seal. [See Doc. 12].

The Clerk will be directed to notify the U.S. Marshal that Defendants Miller and Carver need to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendants Miller and Carver cannot be served at the addresses provided by NCDAC, the U.S. Marshal shall be responsible for locating their home addresses so that they may be served. See 28 U.S.C. § 1915(d) (in actions brought *in*

⁴ "FNU Goforth" in the Complaint.

⁵ "(Nathan) FNU Hicks" in the Complaint.

⁶ "Ronnie L. Honeycutt" in the Complaint.

⁷ "Charlotte Jordan-Williams" in the Complaint.

⁸ "James B. Watson" in the Complaint.

⁹ The Court also exercised supplemental jurisdiction over the Plaintiff's claims under the North Carolina Constitution against those Defendants as well as the North Carolina Department of Public Safety, the predecessor of NCDAC.

forma pauperis under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendants Miller and Carver, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

The Clerk of Court will be instructed to update the Court file with Defendants’ correct names as reflected in this Order.

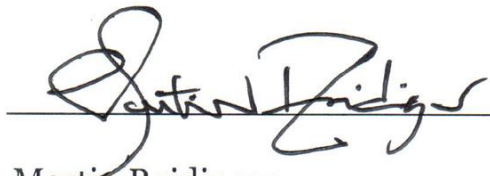
IT IS THEREFORE ORDERED that the U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendants Chris Miller and Russel Carver**. If the U.S. Marshal is unable to obtain service on Defendants Miller and Carver, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Complaint [Doc. 1], the Sealed Notice containing Defendants Miller and Carver's last known addresses [Doc. 12], and this Order to the U.S. Marshal.

IT IS FURTHER ORDERED that the Clerk is instructed to substitute the Defendants' names in the Court's record as follows: Eddie M. Buffaloe, Jr. for "Eddie Buffaloe, Derrick Fox for "Derick Fox," Christian Goforth for "FNU Goforth," Matthan Hicks for "Nathan Hicks" Ronnie L. Huneycutt for "Ronnie Honeycutt," James Brian Watson for "James B. Watson," and Charlotte Jordan Williams for "Charlotte Jordan-Williams."

IT IS SO ORDERED.

Signed: April 25, 2023



Martin Reidinger
Chief United States District Judge

